



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

October 19, 2020

VIA ECF

The Honorable Colleen McMahon
Chief United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: **United States v. Michael Carroll and Michael Pappagallo,**
19 Cr. 545 (CM)

Dear Chief Judge McMahon:

The Government respectfully writes regarding scheduling following last week's administrative conference.

The Government joins the request by defendants Michael Carroll and Michael Pappagallo to withdraw trial of this matter from the scheduling panel's consideration for the first quarter of 2021 and submit it for consideration for the second quarter of 2021. The Government believes that would be possible to try the case in January. Nevertheless, having conferred with defense counsel, we recognize a number of practical benefits for all parties should the trial take place between April and June. We therefore, along with defense counsel, respectfully request that the Court submit this trial for consideration by the panel for the second quarter of 2021, and that the Court seek the earliest date possible within that period that is convenient to the Court. We further request that the Court, pending a final determination from the scheduling panel, provisionally schedule the trial for that earliest possible date.

Counsel for all parties have agreed to make best efforts to keep their schedules clear for the entirety of the second quarter of 2021 (and three weeks afterward, in case the panel assigns us a date late in that period), pending the fixing of a firm date.¹ Should the Court grant this joint request, we will also promptly submit to the Court a joint revised pretrial schedule reflecting the new dates.

¹ As referenced in the most recent conference, Gregory Kehoe, Esq., counsel for Mr. Pappagallo, has other pending 2021 trials. He intends to inform the other courts involved of this change promptly, should the Court grant the joint request.

Finally, should the Court grant the above joint request, the Government, with the consent of both defendants, requests that time be excluded to April 1, 2021 pursuant to the Speedy Trial Act. The Government will make further exclusion requests as the schedule becomes clearer.

Respectfully submitted,

AUDREY STRAUSS
Acting United States Attorney

By: /s/
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 Assistant United States Attorneys
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cc: Defense Counsel (via ECF)